

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv581**

CLARENCE L. BARBER,

Plaintiff,

Vs.

**CITY OF CHARLOTTE (CITIZENS
REVIEW BOARD); and CHARLOTTE
MECKLENBURG POLICE
DEPARTMENT,**

Defendants.

ORDER

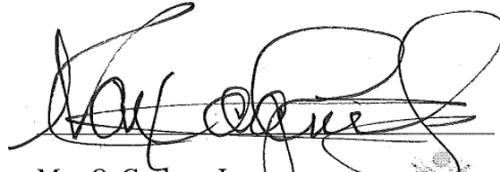
THIS MATTER is before the court on plaintiff's Motion for Clarification on Response Deadline (#33). While defendants filed an Amended Motion for Summary Judgment (#31) on September 26, 2012, they took no action to cancel their original Motion for Summary Judgment (#29), which left pending plaintiff's Motion for Extension of Time to File Response to the [original] Motion for Summary Judgment (#30). The court will, therefore, terminate the original Motion for Summary Judgment (#31), the mooted Motion for Extension of Time (#30), and strike the Order (#32) as improvidently granted.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion for Clarification on Response Deadline (#33) is **ALLOWED**, and the original Motion for Summary Judgment (#31) is **TERMINATED** as withdrawn in favor of the Amended Motion for Summary Judgment, the Motion for Extension of Time (#30) is **DENIED** as moot, and Order (#32) is **STRICKEN** as improvidently granted.

Respective counsel are advised to seasonably file notices of withdrawal of motions that are moot.

Signed: October 16, 2012



Max O. Cogburn Jr.
United States District Judge